



US Army Corps
of Engineers
Alaska District

Regulatory Branch (1145b)
Juneau Field Office
Suite 106
8800 Glacier Highway
Juneau, Alaska 99801-8079

Public Notice of Application for Permit

PUBLIC NOTICE DATE: May 26, 2006

EXPIRATION DATE: June 26, 2006

REFERENCE NUMBER: POA-2006-318-4

WATERWAY: Lemon Creek

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States (U.S.) as described below and shown on the attached plan.

APPLICANT: Mr. Bob Millard, City and Borough of Juneau, 155 South Seward Street, Juneau, Alaska 99801-1397

LOCATION: The proposed project is located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 35, Township 40 South, Range 66 East, Copper River Meridian; Latitude 58.364° North, Longitude 134.472° West; Tract 4A, ASLS-2004-22, in Juneau, Alaska.

PURPOSE: Place fill and fill materials into waters of the U.S., including wetlands, for the construction of an access road, storm water facilities and sedimentation ponds, and a materials processing/storage area, in conjunction with the operation of a hard rock quarry site located in adjacent uplands.

WORK: Place approximately 1,689 cubic yards of fill and fill materials into approximately 0.794 acres of waters of the U.S. to install an access road through approximately 320 feet of waters of the U.S., storm water facilities and sedimentation ponds, and a 375 foot by 150 foot materials processing/storage site, in conjunction with the operation of a hard rock quarry site in adjacent uplands. All overburden would be removed and stored in an upland location for future reclamation use, or disposed of at an upland site.

ADDITIONAL INFORMATION: For additional information on this proposed project, please contact Mr. Alan Steffert, Engineering Assistant, City Engineering Department, 155 South Seward Street, Juneau, Alaska 99801-1397, at (907) 586-0481, or by email at Alan.Steffert@ci.juneau.ak.us.

MITIGATION: As a result of early project planning, the applicant has proposed the following mitigation efforts to reduce impacts to the aquatic environment:

- Relocation of the upper portion of the access road to avoid fill impacts into adjacent wetlands.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports Tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. *et seq* and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH areas as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and Federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by email at Garth.A.Zimbelman@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2006-318-4, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 1

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-318-4**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

Attachment 2

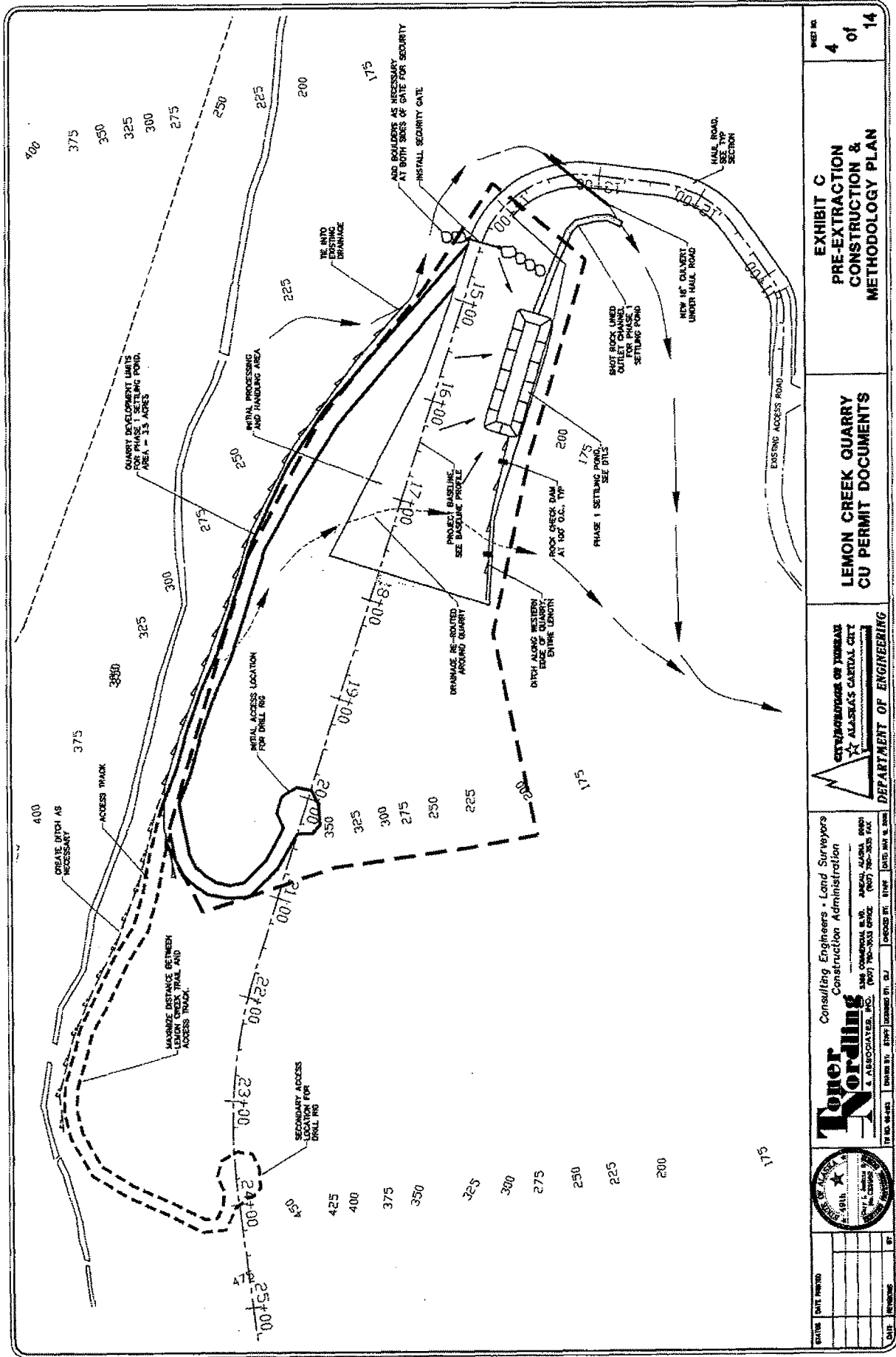
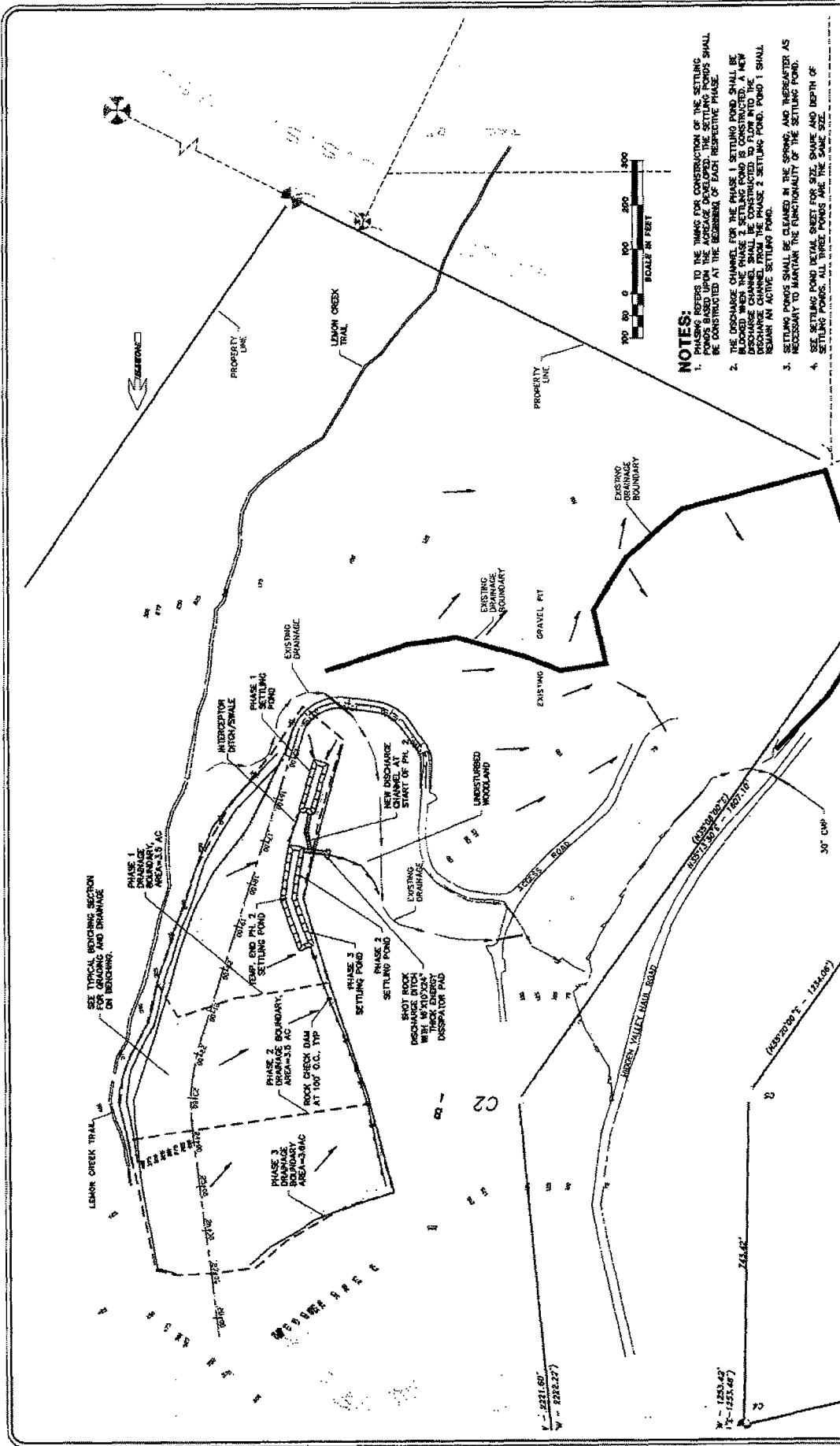
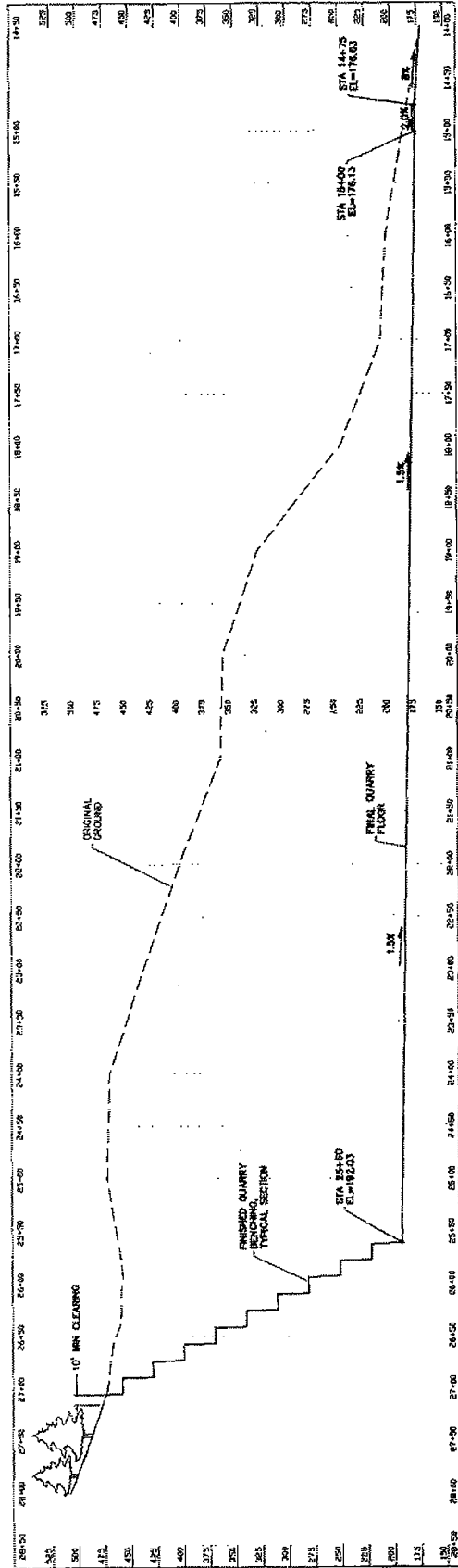


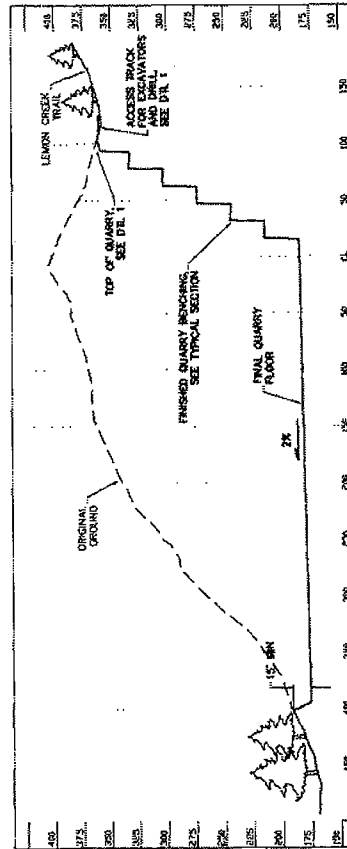
		EXHIBIT C PRE-EXTRACTION CONSTRUCTION & METHODOLOGY PLAN		SHEET NO. 4 of 14
TONER NORDING Consulting Engineers - Land Surveyors Construction Administration 1000 COMMERCIAL BLDG. 1001 PENNSYLVANIA AVE. ANCHORAGE, ALASKA 99501 (907) 261-2525 FAX (907) 261-2525		LEMON CREEK QUARRY CU PERMIT DOCUMENTS		CITY/UNIVERSITY OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING



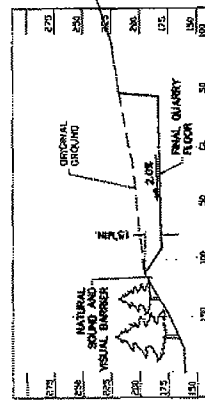
		LEMON CREEK QUARRY CU PERMIT DOCUMENTS		EXHIBIT D: DRAINAGE AND EROSION CONTROL PLAN		5 of 14	
Toner Nording Consulting Engineers - Land Surveyors Construction Administration 1110 N. 4th St., Anchorage, Alaska 99501 (907) 263-3033 OFFICE (907) 780-3508 FAX E-MAIL: TONER@TONER-ND.COM DATE: 10/10/06		CITY OF JUNEAU JUNEAU, ALASKA DEPARTMENT OF ENGINEERING		City & Borough of Juneau Lemon Creek Quarry POA-2006-318-4 Sheet 4 of 8 05/17/06			



CENTERLINE PROFILE

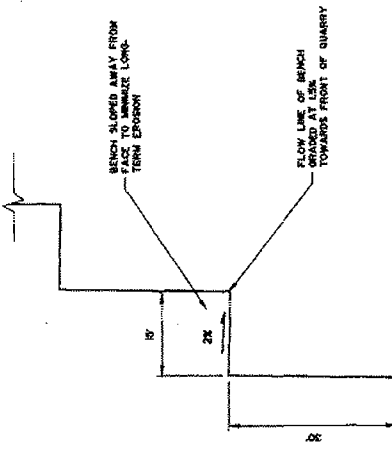
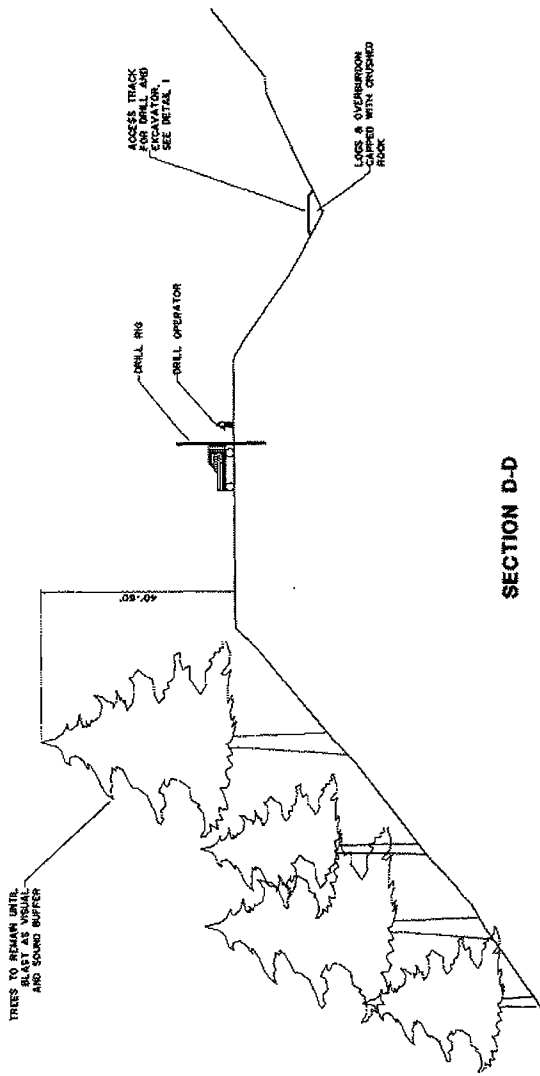


SECTION B-B



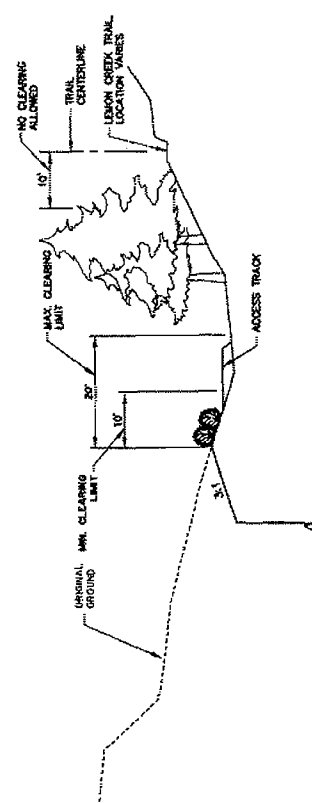
SECTION A-A

	Robert Nording Consulting Engineers - Land Surveyors Construction Administration 10070 N. 4th Ave., Anchorage, Alaska 99504 (907) 780-3336 FAX (907) 780-3336 FAX	CITY OF JUNEAU ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	LEMON CREEK QUARRY CU PERMIT DOCUMENTS	EXHIBIT E: TYPICAL FINAL QUARRY SECTIONS	SHEET NO. 6 of 14
	DATE PRINTED: _____ DATE: _____ BY: _____				

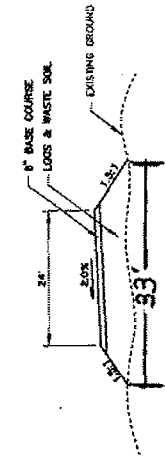


TYPICAL BENCHING

SECTION D-D

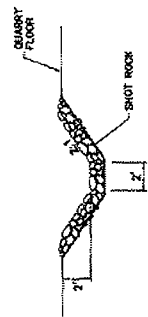


DETAIL 1:
TOP OF QUARRY &
ACCESS TRACK

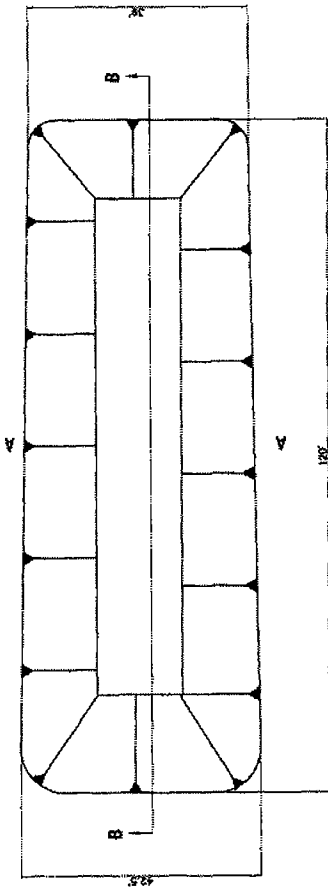


NEW ACCESS ROAD
TYPICAL SECTION

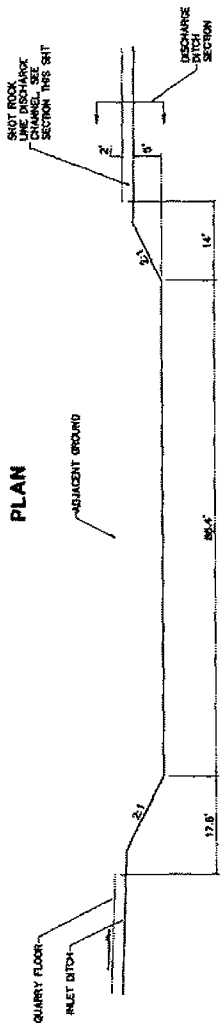
	Toner Nording Consulting Engineers - Land Surveyors Construction Administration 1000 Commercial Blvd. Anchorage, Alaska 99501 (907) 766-3636 FAX (907) 766-3638 FAX	DESIGNED BY: ENR CHECKED BY: ENR DATE: 05/17/06
	CITY OF JUNEAU JUNEAU CAPITAL CITY DEPARTMENT OF ENGINEERING	LEMON CREEK QUARRY CU PERMIT DOCUMENTS
SHEET NO. 7 of 14	City & Borough of Juneau POA-2006-318-4 Lemon Creek Quarry Sheet 6 of 8 05/17/06	



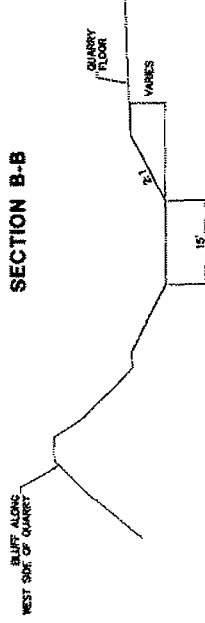
DISCHARGE DITCH
SECTION



PLAN



SECTION B-B



SECTION A-A

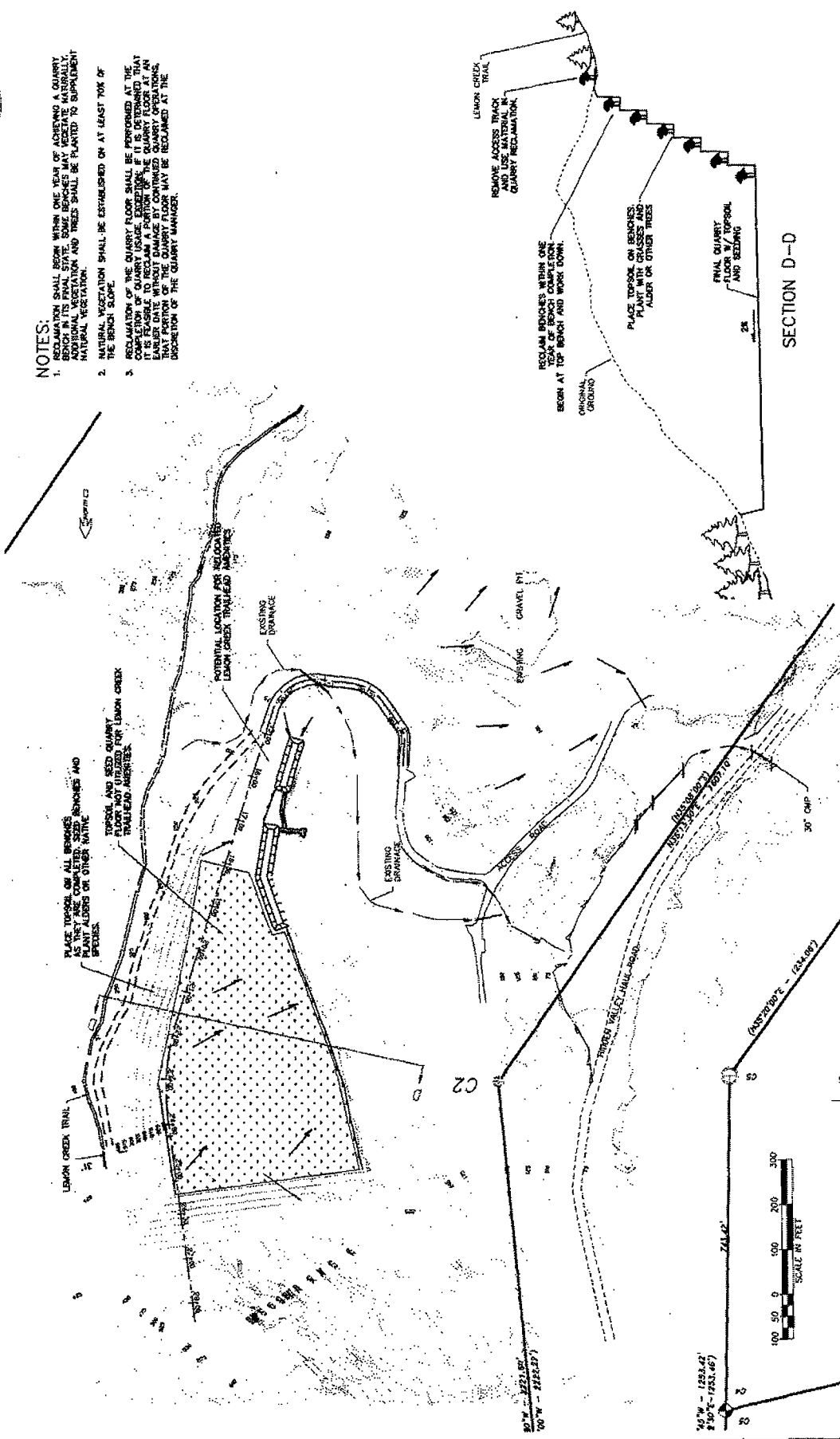
SETTLING POND

		<p>LEMON CREEK QUARRY</p>		<p>EXHIBIT G SETTLING POND SECTION & DETAILS</p>		<p>SHEET NO. 8 of 14</p>
<p>Topor Nording Consulting Engineers • Land Surveyors Construction Administration</p>						
<p>1910 84-143 DRAWN BY: STAFF REVISION BY: GJJ DATE: MAY 16, 2006</p>						
<p>STATE: ALASKA DATE PRINTED: _____ SCALE: _____ BY: _____ CHECKED: _____ APPROVED: _____</p>						

City & Borough of Juneau POA-2006-318-4
Lemon Creek Quarry Sheet 7 of 8
05/17/06

NOTES:

1. RECLAMATION SHALL BE COMPLETED WITHIN ONE YEAR OF ACHIEVING A QUARRY RECLAMATION PLAN. SOME BRUSHES MAY BE PLANTED NATURALLY. ADDITIONAL VEGETATION AND TREES SHALL BE PLANTED TO SUPPLEMENT NATURAL VEGETATION.
2. NATURAL VEGETATION SHALL BE ESTABLISHED ON AT LEAST 70% OF THE BENCH SLOPE.
3. RECLAMATION OF THE QUARRY FLOOR SHALL BE PERFORMED AT THE COMPLETION OF QUARRY USAGE. EXCEPTION: IF IT IS DETERMINED THAT IT IS FEASIBLE TO RECLAIM A PORTION OF THE QUARRY FLOOR DURING OPERATION, THE QUARRY MANAGER SHALL BE ADVISED. THAT PORTION OF THE QUARRY FLOOR MAY BE RECLAIMED AT THE DISCRETION OF THE QUARRY MANAGER.



SECTION D-D

SHEET NO. 9 of 14

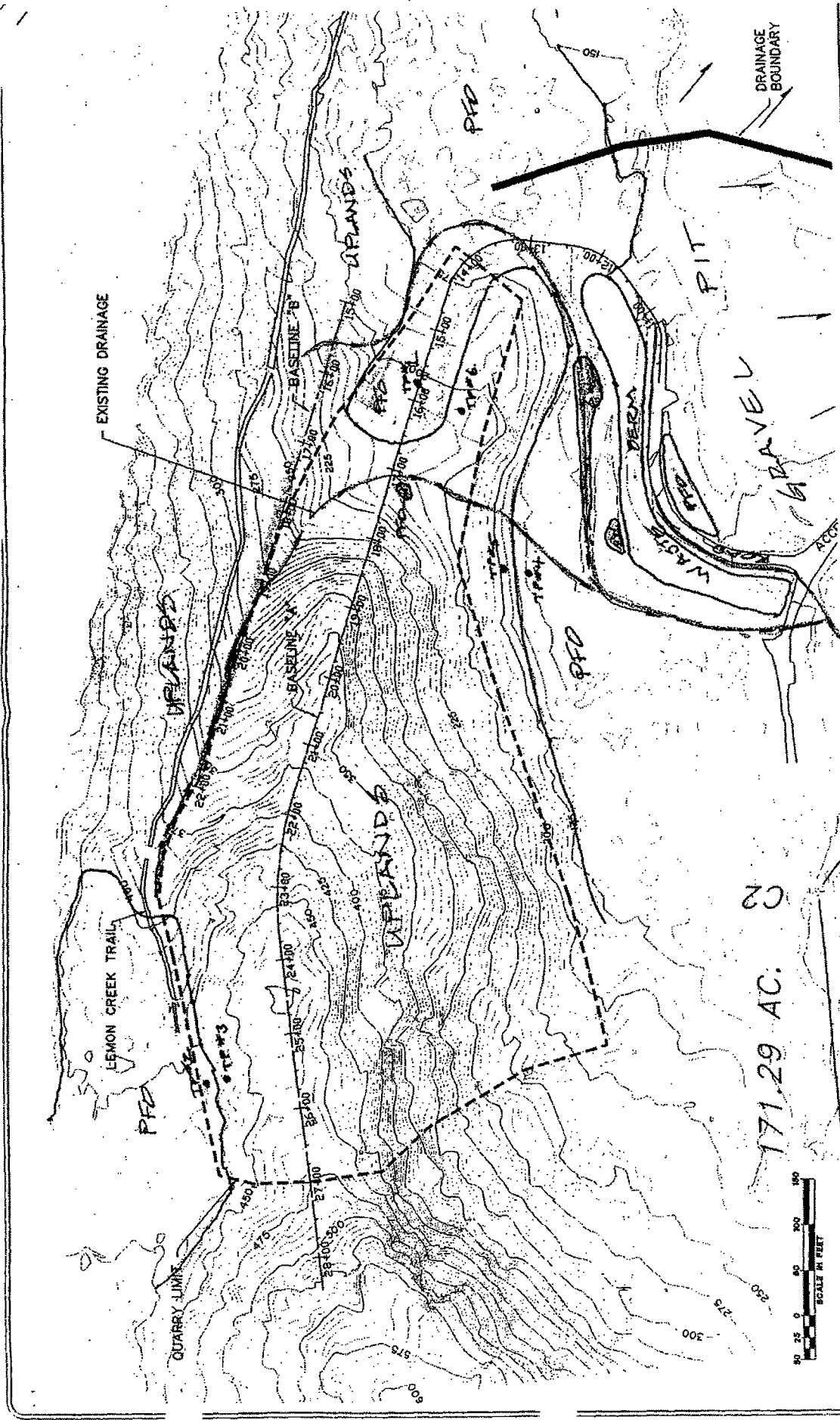
EXHIBIT H:
QUARRY
RECLAMATION PLAN

LEMON CREEK QUARRY
CU PERMIT DOCUMENTS

CITY & BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

Torner Nording
Consulting Engineers & Land Surveyors
Construction Administration
4000 COMMERCIAL BLVD. JUNEAU, ALASKA 99801
(907) 780-3033 OFFICE (907) 780-3034 FAX
(907) 780-3035 MOBILE (907) 780-3036 CELL

City & Borough of Juneau POA-2006-318-4
Lemon Creek Quarry Sheet 8 of 8
05/17/06



SHEET NO. X of X	
WETLAND DELINEATION- EXISTING SITE AND PROPERTY LINES	
LEMON CREEK QUARRY	
CITY ENGINEER OR PUBLIC ☆ ALLIANCE CAPITAL CITY	
DEPARTMENT OF ENGINEERING	
Consulting Engineers • Land Surveyors Construction Administration Topor Nording & ASSOCIATES, INC. 1000 PINE STREET, SUITE 100, ALBANY, NEW YORK 12204 (518) 534-3333 FAX (518) 534-3344 FAX	
DATE PRINTED	DATE MADE
DRAWN BY	CHECKED BY
IN NO. 14-143	DATE MAY 11, 2000